

EXHIBIT A

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HACKARD & HOLT

002/065

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Attorneys for Plaintiff
BARRY DOHNER, individually and as
 successor in interest to **DEBORA**
DOHNER, deceased

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding
 Special Title (Rule 1550(b))

VIOXX® CASES

BARRY DOHNER, individually and as
 successor in interest to **DEBORA**
DOHNER, deceased,

Plaintiff,

v.

MERCK & COMPANY, INC., a
 corporation; **McKESSON**
CORPORATION, a corporation;
AMERISOURCEBERGEN DRUG
CORPORATION, a corporation;
PFIZER, INC.; **PHARMACIA**
CORPORATION; **G.D. SEARLE LLC**,
 (fka **G.D. SEARLE & CO.**); **DOES 1 to**
100; **PHARMACEUTICAL**
DEPENDANT DOES 101 to 200, and
DISTRIBUTOR DEFENDANT DOES
201 to 300, inclusive,

Defendants.

JCCP No. 4247

BC359104

Case No.:

County of Origin: **BUTTE**
 Superior Court

*(By Order of the Honorable Victoria G.
 Chaney, the designated county of origin
 shall be deemed, and is stipulated to be, the
 original county in which this case was
 initially filed and pending for purposes of
 removal under U.S.C. § 1441(a) and
 potential trial venue.)*

**COMPLAINT: AMENDED NOTICE OF
 ADOPTION OF VIOXX MASTER
 COMPLAINT (2005 Amended NOA)**

Assigned to Honorable Victoria G. Chaney,
 Department 324

Complaint: Amended Notice of Adoption of Vioxx Master Complaint (2005 Amended NOA)

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1 Plaintiff, BARRY DOHNER, individually and as successor in interest to DEBORA
2 DOHNER, deceased, complains against Defendants, and each of them, and allege as follows:

3 Pursuant to the Court's Case Management Order No. 3: General Pre-trial Order and Case
4 Management Order No. 6: Order Regarding Direct Filing, Plaintiff, BARRY DOHNER,
5 individually and as successor in interest to DEBORA DOHNER, deceased, hereby adopts the
6 Master Complaint, and any rulings or orders of the Court relating thereto:

7 1. (a) Causes of action and Parties alleged in the Master Complaint. Plaintiff
8 incorporates by reference each of the causes of action in the Master

9 Complaint checked below:

- 10 ☒ Strict Liability - Failure to Warn
- 11 ☒ Negligence
- 12 ☒ Negligence Per Se
- 13 ☒ Breach of Implied Warranty
- 14 ☒ Breach of Express Warranty
- 15 ☒ Deceit by Concealment
- 16 ☒ Negligent Misrepresentation
- 17 ☒ Violation of Business & Professions Code § 17200
- 18 ☒ Violation of Business & Professions Code § 17500
- 19 ☒ Wrongful Death
- 20 ☐ Survivor Action
- 21 ☒ Loss of Consortium

22 (b) Causes of Action and/or Parties not alleged in the Master Complaint.

23 Plaintiff alleges additional causes of action and/or names additional parties not mentioned
24 in the Master Complaint as follows: PFIZER, INC., PHARMACIA CORPORATION, and G.D.
25 SEARLE LLC, (FKA G.D. SEARLE & CO.). See attached.

26 2. Plaintiff is a resident of the State of California, County of Chico. Plaintiff's
27 injuries as alleged in this litigation occurred in the County of Chico, in the State of California.

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1 3. Plaintiff ☒ is/ ☐ is not claiming damages for mental and/or emotional distress.

2 4. ☐ Plaintiff is an individual who ingested VIOXX®, and who asserts claims
3 for damages herein by complaining of the following injuries: _____
4 _____

5 ☐ Plaintiff is the spouse of _____, an individual who ingested
6 VIOXX® and allegedly sustained personal injuries as a result.

7 ☒ Plaintiff's decedent, DEBORA DOHNER, is an individual who ingested
8 VIOXX®, CELEBREX and/or BEXTRA and allegedly sustained fatal injury as a result. The
9 following plaintiffs and heirs of plaintiff's decedent, or other persons entitled to bring an action
10 for the wrongful death of plaintiff's decedent, and bring the causes of action alleged herein
11 pursuant to Code of Civil Procedure § 377.60: BARRY DOHNER, individually and as
12 successor in interest.

13 ☒ Plaintiff is a personal representative or successor in interest to decedent,
14 DEBORAH DOHNER, who ingested VIOXX®, CELEBREX and/or BEXTRA and allegedly
15 sustained fatal injury as a result, and is authorized to bring a survivor action on behalf of the
16 decedent pursuant to Code of Civil Procedure § 377.31, et seq. Plaintiff has been appointed as the
17 decedent's personal representative or successor in interest by the following court, on the
18 following date: to be filed
19 _____

20 5. The Vioxx, Celebrex and/or Bextra ingested by plaintiff or decedent was
21 purchased at the following pharmacies (provide name and address of each pharmacy): Longs
22 Drug Store, 801 East Avenue, #47, Chico, California 95926
23 _____

24 6. (If plaintiff alleges a cause of action for deceit by concealment and/or a cause of
25 action for negligent misrepresentation, plaintiff must complete this section.) Plaintiff claims that
26 defendants are liable to plaintiff for deceit by concealment and/or negligent misrepresentation
27 based on the following allegations:
28 _____

Case 3:07-cv-03493-CRB

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1 (a) What allegedly false statement(s) did defendants make to you or your
 2 doctor (if doctor, state the name and address of the doctor)? : Plaintiff incorporates by
 3 reference each and every allegation as set forth in Plaintiffs' Master Complaint as though fully set
 4 forth herein. In an effort to increase sales of the drug and improve profits, defendants concealed
 5 and misrepresented the safety of Vioxx and Celebrex by and through documents and
 6 pharmaceutical representatives. Defendants did not include accurate portrayals of the risks
 7 associated with Vioxx and Celebrex and concealed the serious cardiovascular and other risks of
 8 Vioxx and Celebrex. Defendants knew of these adverse risks through clinical trials and adverse
 9 event reports as well as other sources, yet did not divulge the information.

10 (b) State the name and job title of the individual(s) who made the above-
 11 described statements to you or your doctor? : Plaintiff incorporates by reference each and
 12 every allegation as set forth in Plaintiffs' Master Complaint as though fully set forth herein. On
 13 information and belief, defendants and defendants' sales representatives withheld and denied the
 14 adverse health effects.

15 (c) When, and by what means (e.g., writing, oral statement, television, Internet,
 16 etc.), were the above-described statements made to you or your doctor? : Plaintiff incorporates
 17 by reference each and every allegation as set forth in Plaintiffs' Master Complaint as though fully
 18 set forth herein. On information and belief, written communications, oral statements and other
 19 means were used to misrepresent the ill effects of Vioxx and Celebrex. Defendants concealed the
 20 significant increases in adverse cardiovascular events among Vioxx and Celebrex users in all
 21 means of communication.

22 (d) When, and how, did you or your doctor rely on the above-described
 23 statements? : Plaintiff incorporates by reference each and every allegation as set forth in
 24 Plaintiffs' Master Complaint as though fully set forth herein. Plaintiff's doctor relied on the
 25 misrepresentation and concealment by prescribing Vioxx and Celebrex as treatment. Plaintiff
 26 relied on the misrepresentation by ingesting the dangerous drugs.

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(e) If the above-described statements were false by virtue of defendants' concealment of facts that were known by defendants, state the facts that were concealed and that, if known by you or your doctor, would have prevented your alleged injury.)?: Plaintiff incorporates by reference each and every allegation as set forth in Plaintiffs' Master Complaint as though fully set forth herein. Defendant concealed the serious cardiovascular and other risks associated with Vioxx and Celebrex. Defendant withheld findings from adverse event reports, clinical trials and studies which showed statistically significant increases in cardiovascular events among Vioxx and Celebrex users.

7. Plaintiff requests the relief checked below:

- ☒ Past and future general damages, according to proof.
- ☒ Past and future medical and incidental expenses, according to proof.
- ☒ Past and future loss of earnings and/or earning capacity, according to proof.
- ☒ Punitive and exemplary damages, where permitted by law.
- ☒ Damages for past and future mental and/or emotional distress, according to proof.
- ☒ Damages for past and future loss of consortium, according to proof.
- ☒ Costs of suit incurred herein.
- ☐ Injunctive relief (specify): _____
- _____
- _____

Complaint: Amended Notice of Adoption of Vioxx Master Complaint (2003 Amended NOA)

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☒ Other (specify): For disgorgement of profits according to proof for
attorneys fees and for such other and further relief as this Court deems just
and proper.

Dated: 9/21, 2006

HACKARD & HOLT

By: [Signature]

ALISSA S. HOLT

Attorneys for Plaintiff

BARRY DOHNER, individually and

as successor in interest to

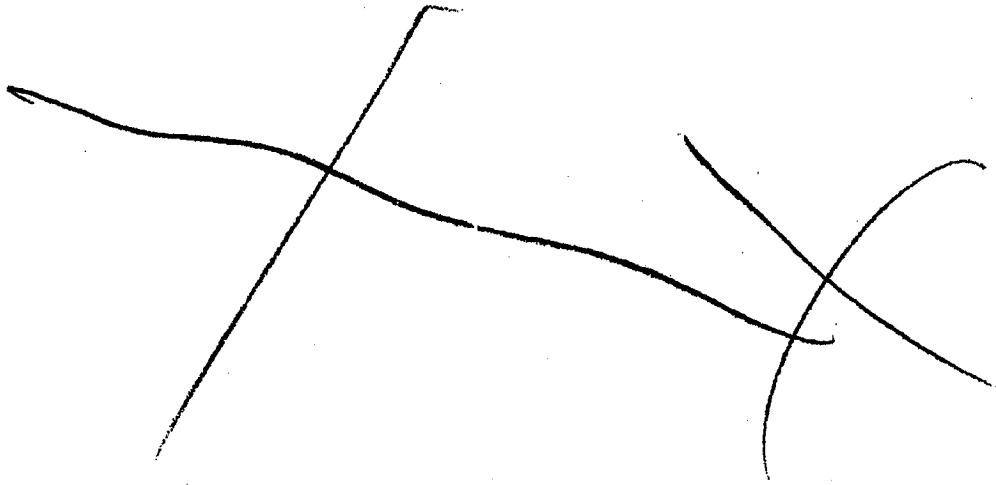
DEBORA DOHNER, deceased

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Complaint: Amended Notice of Adoption of Vloxx Master Complaint (2005 Amended NOA)

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ADDENDUM TO SECTION 1(b)

6 CONT'D FROM

1 **1(b) Causes of Action and/or Parties Not Alleged in the Master Complaint:**

2 Pursuant to Case Management Order No. 6: Direct Filing and Adoption of Master
 3 Complaint, subsection 2(c), Plaintiffs herein name the additional defendant parties listed below
 4 and allege each and every cause of action set forth in the Master Complaint adopted herein
 5 against said parties. Further, plaintiffs incorporate the following information as to the below-
 6 named defendants in support of their allegations against said defendants as if set forth in full in
 7 each and every cause of action of the Master Complaint:

8 **ADDITIONAL DEFENDANTS**

9 PFIZER, INC. ("PFIZER"), a Delaware Corporation; PHARMACIA CORPORATION
 10 ("PHARMACIA"), a Delaware Corporation; G.D. SEARLE LLC, (FKA G.D. SEARLE & CO.)
 11 ("SEARLE"), a Delaware Corporation; and DOES 301 to 400.

12 1. Defendant PFIZER is a Delaware corporation headquartered and with a principal
 13 place of business in New York, New York. On July 16, 2002, PFIZER announced its proposed
 14 acquisition of PHARMACIA. On April 16, 2003, PFIZER completed its \$60 billion acquisition
 15 of PHARMACIA. As a wholly-owned subsidiary of PFIZER, PHARMACIA acted in all aspects
 16 as PFIZER's agent and alter ego. At all times relevant hereto, PFIZER, and/or its predecessors in
 17 interest, were engaged in, inter alia, the business of testing, manufacturing, labeling, marketing,
 18 distributing, and promoting Cox-2 inhibiting drugs, including Celebrex and Bextra throughout
 19 the United States. Plaintiffs allege on information and belief that PFIZER does business in
 20 California and in Los Angeles County and, at all times relevant hereto, tested, manufactured,
 21 labeled, marketed, distributed, promoted and sold the drugs Celebrex and Bextra.

22 2. PFIZER includes any and all parents, subsidiaries, affiliates, divisions, franchises,
 23 partners, joint venturers, and organizational units of any kind, their predecessors, successors, and
 24 assigns and their present officers, directors, employees, agents, representatives, and other persons
 25 acting on their behalf.

26 3. Defendant, PHARMACIA, is a Delaware corporation with its principal place of
 27 business in New Jersey. PHARMACIA was created in April 2000, through the merger of
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1 Pharmacia & Upjohn with Monsanto Company and its G.D. SEARLE unit. PHARMACIA is
2 now a wholly-owned subsidiary of PFIZER. At all times relevant hereto, PHARMACIA, and its
3 predecessors in interest, were engaged in, inter alia, the business of testing, manufacturing,
4 labeling, marketing, distributing, promoting, and selling Cox-2 inhibiting drugs, including
5 Celebrex and Bextra throughout the United States. Plaintiff alleges on information and belief
6 that Pharmacia does business in California and in Los Angeles County and, at all times relevant
7 hereto, it tested, manufactured, labeled, marketed, distributed, promoted and sold the drugs
8 Celebrex and Bextra.

9 4. Defendant G.D. SEARLE LLC, (FKA G.D. SEARLE & CO.), is a Delaware
10 Corporation with its principal place of business in Illinois. In April 2000, SEARLE was acquired
11 by PHARMACIA, and became a wholly-owned subsidiary of PHARMACIA. At the time of
12 PFIZER's acquisition of PHARMACIA, SEARLE was a wholly-owned subsidiary of
13 PHARMACIA, acting as its agent and alter ego in all matters alleged in this Complaint, and is
14 now a wholly-owned subsidiary of PFIZER. At all relevant times hereto, SEARLE, and its
15 predecessors in interest, were engaged in, inter alia, the business of testing, manufacturing,
16 labeling, marketing, distributing, promoting, and selling Cox 2 inhibiting drugs, including
17 Celebrex and Bextra throughout the United States. Plaintiff alleges on information and belief
18 that Pharmacia does business in California and in Los Angeles County and, at all times relevant
19 hereto, it tested, manufactured, labeled, marketed, distributed, promoted and sold the drugs
20 Celebrex and Bextra.

21 5. Celecoxib was developed in 1998, by SEARLE and marketed jointly by SEARLE and
22 PFIZER under the brand name, Celebrex. SEARLE was acquired by PHARMACIA, which was
23 then acquired by PFIZER, in part so that PFIZER could take full control of Celebrex.

24 6. Defendant McKESSON CORP. (currently named in the Master Complaint
25 adopted herein) packaged, distributed, supplied, sold, placed into the stream of commerce,
26 labeled, described, marketed, advertised, promoted and purported to warn or to inform users
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1 regarding the risks pertaining to, and assuaged concerns about the pharmaceutical drugs Celebrex
2 and Bextra in and throughout the State of California, including Los Angeles County.

3 7. Plaintiffs are informed and believe, and based thereon allege, that in committing
4 the acts alleged herein, each and every managing agent, agent, representative and/or employee of
5 the defendant was working within the course and scope of said agency, representation and/or
6 employment with the knowledge, consent, ratification and authorization of the Defendant and its
7 directors, officers and/or managing agents.

8 8. The true names and capacities, whether individual, corporate, associate or
9 otherwise, of Defendants named herein as DOES 301 to 400, and each of them, are unknown to
10 Plaintiffs, who therefore, sue said Defendant by such fictitious names. Plaintiffs will ask leave to
11 amend this Complaint to state said Defendants' true identities and capacities when the same have
12 been ascertained.

13 9. Plaintiffs are informed and believe and based thereupon allege that at all times
14 herein mentioned each of the Defendants was the agent, servant and/or employee or occupied
15 other relationships with each of the other named Defendants and at all times herein mentioned
16 acted within the course and scope of said agency and/or employment and/or other relationship
17 and each other Defendant has ratified, consented to, and approved the acts of his agents,
18 employees, and representatives, and that each actively participated in, aided and abetted, or
19 assisted one another in the commission of the wrongdoing alleged in the Complaint.

20 10. At all times relevant to this action, Defendants, and each of them, intentionally,
21 recklessly, and/or negligently concealed, suppressed, omitted and misrepresented the risks,
22 dangers, defects and disadvantages of Cox-2 inhibiting drugs, including Celebrex and Bextra,
23 and advertised, promoted, marketed, sold and distributed said drugs as a safe prescription
24 medication when, in fact, Defendants had reason to know, and did know, that said drugs were not
25 safe for its intended purposes, for the patients for whom it was prescribed and for whom it was
26 sold; and that Celebrex and Bextra caused serious medical problems and, in certain patients,
27 catastrophic injuries and death.

1 11. In engaging in the conduct alleged herein, each Defendant acted as the agent for
2 each of the other Defendants, or those Defendant's predecessors in interest.

3 **GENERAL ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTIONS**

4 12. Defendants, PFIZER and PHARMACIA, fraudulently induced consumers to
5 purchase their pharmaceutical drug Celebrex (also known as Celecoxib) and Bextra (also known
6 as Valdecoxib) by advertising non-existing benefits and concealing and trivializing known
7 deadly and life altering risks.

8 13. Celebrex and Bextra are selective Cox-2 inhibitors, non-steroidal anti-
9 inflammatory drugs (NSAID). In December 1998, the FDA approved Celebrex to provide
10 treatment of chronic and short-term pain. At the time it was the first of its kind on the market.
11 Both before and after its approval, clinical trials showed that Celebrex could cause serious side
12 effects unknown to most consumers and physicians. Despite this, Defendants did little if
13 anything to alert physicians and consumers to the inherent risks of Celebrex.

14 14. In November 2001, the FDA approved Bextra to provide treatment of chronic
15 short-term pain. After its approval, clinical trials showed that Bextra could cause serious side
16 effects unknown to most consumers and physicians. Despite this, Defendants did little if
17 anything to alert physicians and consumers to the inherent risks of Bextra.

18 15. Each of the defendants used overly aggressive marketing tactics in order to
19 exaggerate the benefits provided by these NSAID drugs. In heavy competition with each other,
20 Merck, PFIZER and PHARMACIA rushed through clinical trials to get the drugs onto the
21 market. Defendants ignored flaws in the original clinical studies in hopes of gaining FDA
22 approval. Defendants saturated the market with false, deceptive and fraudulent information and
23 roxx, Bextra and Celebrex.

24 16. Like Merck, Defendants, PFIZER and PHARMACIA, engaged in false and
25 deceptive advertising regarding Bextra and Celebrex. Though no testing of Celebrex had ever
26 lasted over a year, Defendants nonetheless hailed it as a huge breakthrough. Defendants
27 manipulated the information given to physicians to exaggerate Celebrex's benefits and to conceal
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1 its deadly risks through direct to consumer advertisements, press releases, promotional
2 conference calls, sales pitches and traditional advertisements. Defendants reiterated Celebrex's
3 health benefit claims to the medical community, but it did so without scientific justification.
4 PFIZER and PHARMACIA conducted pseudo-scientific studies intended to deceptively justify
5 Celebrex as safely providing the advertised benefits.

6 17. Further, Defendants specifically touted the benefits of Celebrex over other
7 NSAIDs because it was easier on the gastrointestinal tract than prior NSAIDs such as ibuprofen
8 (Motrin and Advil) or naproxen (Aleve). Despite the claim, Defendants have never conclusively
9 demonstrated the gastrointestinal superiority of Celebrex over any NSAID.

10 18. After studies funded by Defendants, several study authors made claims to the
11 Journal of American Medicine about Celebrex's benefits over older NSAIDs. These statements
12 were later shown to be false. The authors, paid by Defendants, had made statements that the
13 study ran six months rather than a full year. Further, the authors left out the ulcer problems that
14 had occurred in the later half of the study. The Arthritis Advisory Committee to the FDA found
15 that Defendants had not established a "clinically meaningful" safety advantage over NSAIDs and
16 that the data from the study would not support a superiority claim.

17 19. In December, the National Cancer Institute stopped the treatment phase of a trial
18 of Celebrex. The study, designed to see whether Celebrex protected against the recurrence of
19 colon polyps, found that participants given the drug were at least 2 ½ times more likely to have
20 heart attacks or strokes than those who were given a placebo.

21 20. Despite these specific studies showing that Celebrex could increase the risk of
22 cardiovascular events and myocardial infarctions more so than other NSAIDs, Defendants
23 continue to promote Celebrex as a healthy alternative to competitors like Vioxx and other
24 NSAIDs. Defendants have yet to change their labeling on the drug to include these new
25 warnings.

26 21. Most recently in a strict letter, the FDA warned the Pfizer Defendants that their
27 television and print advertisements for Celebrex misled consumers. This letter set forth that five
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1 advertisements did not disclose side effects, and further went on to state that Defendants had
2 made "unsubstantiated effectiveness claims" about Celebrex.

3 22. Twice in 2002, the Food and Drug Administration ordered Defendants to change
4 their labeling information to include warnings of the potential and serious side effects of Bextra.
5 At this point, PFIZER and PHARMACIA had continued to market the drug Bextra as being free
6 of the side effects usually associated with non steroidal anti-inflammatory medications, despite
7 any evidence of this allegation. Many clinical studies conducted after Bextra was put on the
8 market indicated otherwise. Side effects such as cardiovascular events, myocardial infarctions,
9 stomach disorders, intestinal bleeding and liver and kidney problems are just a few of the more
10 serious side effects associated with the consumption of Bextra. Again, these side effects become
11 more problematic with long term consumption of the drug and can occur without any warning
12 whatsoever.

13 23. Despite defendants, PFIZER, PHARMACIA and McKESSON's blatant
14 mislabeling and false advertising, there have been numerous adverse event reports and studies
15 into side effects of Bextra and Celebrex. As is clear from the studies, these side effects have
16 been consistently disregarded and minimized to both doctors and consumers. Defendants' desire
17 to promote the growth of its product combined with market competition in the area fostered lack
18 of information about Bextra and Celebrex.

19 24. Defendants, PFIZER and PHARMACIA continue to sell their drug Celebrex
20 despite the increased and enormous risk this drug poses. At the FDA's urging Defendants
21 withdrew Bextra from the market on April 7, 2005.

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street address, city, county, state, zip number, and address): Alissa S. Holt (SBN 217005) HACKARD & HOLT 11335 Gold Express Drive, Suite 105 Gold River, CA 95670 TELEPHONE NO.: (916) 853-3000 FAX NO.: (916) 853-3010 ATTORNEY FOR (Name): Plaintiff, BARRY DOHNER, et al.		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT SEP 25 2008 John A. Clark, Executive Officer/Clerk By <u>D. Garcia</u> , Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Central District		CASE NUMBER: BC359104 JUDGE: DEPT.:
CASE NAME: BARRY DOHNER, et al., v. MERCK & CO., INC., et al. CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)		

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input checked="" type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2. This case ☒ is ☐ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input checked="" type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify):
 5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: SEPTEMBER 20, 2006

ALISSA S. HOLT

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE: BARRY DOHNER, et al., v. MERCK & CO., INC., et al. CASE NUMBER: BC359104

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item 1. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 40 ☐ HOURS ☒ DAYS.

Item II. Select the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (See Column C below)

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in item III; complete item IV. Sign the declaration.

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Intellectual Property (19)	<input type="checkbox"/> A6016 Intellectual Property	2., 3.

* SHORT TITLE: BARRY DOHNER, et al., v. MERCK & CO., INC., et al.	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach-Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (15)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: BARRY DOHNER, et al., v. MERCK & CO., INC., et al.	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ/Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input checked="" type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

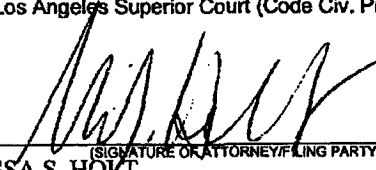
SHORT TITLE: BARRY DOHNER, et al., v. MERCURY CO., INC., et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS:
<input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		CMO NO. 6: Direct Filing and Adoption of Master Complaint
CITY:	STATE:	ZIP CODE:

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: September 20, 2006


(SIGNATURE OF ATTORNEY/FILING PARTY)
ALISSA S. HOLT

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 03-04 (Rev. 03/06).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.